IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
1. C.A.NO.3691/2006 IN F.A.NO.2033/2006
AND
2. C.A.NO.975/2007 IN F.A.NO.2033/2006

Shri Arvind Shripati Phalke ...Applicant
(In both the Applications)

Versus

Bank of Mahrashtra & Ors. ...Respondents
(In both the Applications)

Shri Anurag Jain for the Applicant in both the Applications.
Shri Girish Kulkarni i/by Mrs Swati V. Deshpande for the Respondent No.1 in both the Applications.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 05, 2007.

P.C.:

1. By order dated 22nd November, 2006, this Court directed the Applicant to deposit entire decretal amount within a period of twelve weeks from that day. The amount is not deposited and therefore, Civil Application No.975 of 2007 has been taken out by the Applicant seeking extension of time. The prayer for grant of extension of time is opposed by the learned counsel for the first Respondent. Considering the facts and circumstances of the case, the time deserves to be extended. If the amount is deposited, the first Respondent will be entitled to withdraw the same subject to giving an undertaking to bring back the amount with appropriate rate of interest in case the Applicant succeeds in the Appeal.

2. Hence, Civil Applications are disposed of by passing following order:

(i) Rule in Civil Application No.3691 of 2006 is made absolute in terms of prayer clause (d) subject to condition of the Applicant depositing the entire decretal amount with the trial Court within a period of twelve weeks from today.

(ii) if the decretal amount is not deposited within the stipulated time, interim relief will stand vacated without further reference to the Court.

(iii) If the amount is deposited within the stipulated time, the trial Court will permit the first Respondent (Plaintiff) to withdraw the said amount subject to the first Respondent giving an undertaking to the trial Court to redeposit the said amount with appropriate rate of interest in case the Applicant succeeds in the Appeal.

(iv) Civil Application No.975 of 2007 and Civil Application No.3691 of 2006 are disposed of in above terms.

(v) No orders as to cots.

JUDGE